



Part 5

Design review panels

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This part explains the role of design review panels in the development assessment process, outlines administrative procedures and provides templates for the successful operation of a panel. It is to be used by councils to administer design review panels at all relevant stages of the development process

5A Function of design review panels

SEPP 65 allows for design review panels to be established as an important tool to improve and enhance the design quality of apartment developments. Whether the panel is for one or more local government area, they should operate consistently to provide certainty and efficiency.

This section of the Apartment Design Guide is a toolkit for the establishment and operation of design review panels. It includes details about:

- functions, membership and constitution
- roles and responsibilities of councils and panel members
- operating procedures and guidelines
- templates (meeting agenda, development assessment and meeting minutes).

General function

Design review panels are advisory only, and do not have a decision making function. Their primary functions are to:

- provide independent expert design advice on applications and policy for apartment buildings
- assist in improving the design quality of apartment development.

The panel advises on the design quality of applications with reference to SEPP 65's nine design quality principles and this Apartment Design Guide. The panel may identify and recommend improvements necessary to achieve consistency with the design quality principles and the Apartment Design Guide.

The advice has legal weight and can be relied upon by the consent authority when determining a development application or modification for apartment development under SEPP 65. It should be outlined in the planning officer's report to council. A full copy of the advice should be attached to the council report as well as being made publicly available on council's website.



Design review panels may also provide independent advice to consent authorities on design principles for local environmental plans, development control plans, precinct plans and other design related policies. This may include a review of design related controls, advice on methods to achieve design quality and local provisions related to apartment development. A council may seek advice from an established design review panel about other development applications that SEPP 65 does not apply to. In this case the design review panel's advice would be a matter for consideration for the consent authority and would be unrelated to SEPP 65.

Relationship between design review panels and architectural design competitions

A council is not required to send a development application for apartment development to a design review panel if an architectural design competition, consistent with the Director-General's Design Excellence Guidelines, has been held.

Pre-development application discussions

This Apartment Design Guide encourages pre-development application discussions, including early input by a design review panel. Early panel advice on a schematic proposal can allow applicants to address issues early on, and save time later in the application process.

5B Membership and establishment



Membership

A design review panel should consist of at least three members. However, it is recommended that two alternates also be appointed to ensure a quorum can be maintained. Panel members should have expertise in:

- architecture,
- landscape architecture, or
- urban design.

Councils should ensure that design review panels have a mix of expertise. Councillors, council officers or council employees cannot be appointed as panel members.

Panel establishment and selection of members

Councils should undertake the following steps to establish a design review panel under delegation, or to establish its own panel:

- resolve to establish a design review panel for the local government area/s
- seek expressions of interest for panel members from suitably qualified professionals
- assess the expressions of interest against the core selection criteria (see below) and any other additional criteria established to address local issues
- appoint members for a term of at least 2 years
- determine and confirm all terms of the appointment, including remuneration details for each member.

Core selection criteria for panel members

Expressions of Interest for design review panel members should include a brief professional profile addressing the selection criteria below:

Selection criteria
1. Appropriate qualification and demonstrated experience in the design of apartment developments in relation to architecture, landscape architecture or urban design
2. Demonstrated highly developed skills and experience in urban analysis of local planning strategies and policies (e.g. local environmental plans, development control plans, precinct plans and town centre revitalisation) that contain provisions for apartment development
3. Knowledge or understanding of local council policies and development controls
4. Knowledge of the design issues of the local area
5. Ability to analyse, evaluate and report on complex design quality issues for development applications and strategic planning
6. Ability to develop design options and/or recommendations to ensure appropriate application of SEPP 65 design quality principles and the Apartment Design Guide
7. Ability to work in a multi-disciplinary team
8. Ability to liaise/negotiate with local government as well as the private sector
9. Good written and verbal communication skills including the ability to translate technical information into plain English
10. Knowledge, commitment and ability to implement council policies and standards, including those that relate to integrity, ethics, safety, anti-discrimination and equity

Funding and remuneration

Design review panel members are entitled to remuneration and the payment of expenses. The *Environmental Planning and Assessment Regulation 2000* allows councils with a design review panel to charge a maximum fee for the design review panel as part of development application fees. Councils are therefore responsible for the funding and remuneration of design review panels.

The following should be considered when determining funding and remuneration arrangements with design review panel members:

- where more than one council is involved in the operation of a design review panel, councils should fund the panel's operation on an equitable basis, for example, based on the number of development applications referred to the panel by each council
- the *Environmental Planning and Assessment Regulation 2000* allows a maximum additional development application fee to be charged for residential apartment development applications that will be referred to a design review panel. This allows councils to determine within their own fee policy how much they will charge up to the maximum amount. This may be influenced by the average design review panel costs per application and the estimated number of times an application will be referred to a design review panel
- councils are to remunerate each panel member commensurate with their professional role and meeting input. Remuneration should be fair and equitable taking into consideration the time taken to participate in design review panel processes.

5C Roles and responsibilities



Panel coordinator

Councils are responsible for coordinating the operation of the design review panel. It is suggested that a specific council officer be the nominated coordinator or the role may be shared amongst several officers. In the case of design review panels formed for more than one local government area, the role could be shared on a rotational basis.

Whichever approach is taken, arrangements about how tasks will be undertaken need to be established, particularly where more than one coordinator or council is involved.

The nominated coordinator will need to:

- determine the annual meeting schedule and make it publicly available
- be the central point of contact between the design review panel members and other council staff or stakeholders
- arrange meeting venues which have appropriate display space and room for applicants and other observers
- prepare and distribute meeting invites, application information and agendas, ensuring sufficient notice is provided to all parties
- arrange site inspections
- ensure in advance of each meeting that there will be a quorum
- arrange for relevant council staff members to attend meetings
- arrange minute taking and panel member endorsement of minutes
- distribute minutes to relevant parties and make them publicly available on council's website within 14 days of the panel meeting
- administer fee and member remuneration payments
- arrange for a summary of council decisions on applications considered by the panel to be given to panel members, providing feedback on consideration of applications and awareness of any other relevant matters
- provide information about the design review panel and its operation to any interested party, including new panel members.

Panel chairperson

The panel chair is responsible for:

- running design review meetings
- ensuring that the meeting agenda is followed and that allocated timeframes are adhered to
- ensuring that discussion remains focused on the application or matter being considered and that advice relates to matters covered by SEPP 65 and the Apartment Design Guide
- ensuring the advice and recommendations developed for each application is voted on by the panel. In the case of a tied vote, the chairperson has the casting vote
- ensuring the panel endorses the minutes
- liaising with council staff about the operation of the panel, where required
- attending meetings to brief councillors on panel advice, where required
- ensuring new members have been inducted and are briefed about panel operation.

Panel members

Panel members are required to:

- treat all discussions and information about applications with sensitivity and confidentiality
- provide independent, fair and reasonable professional advice relative to the design quality principles of SEPP 65 and this Apartment Design Guide
- respond to and comment on material presented, providing constructive feedback to make amendments as required.

Pecuniary interests

Under SEPP 65 design review panel members must disclose any pecuniary interests. Where a pecuniary interest exists, the member must:

- disclose the interest to the chair as soon as practicable, and preferably before the meeting to ensure there is a quorum for all items
- not take part in the consideration or discussion of the matter
- not vote on any advice or recommendations relating to the matter.

Pecuniary interests should be recorded in panel meeting minutes.

Agenda

The agenda is to be prepared and distributed, taking account of the following:

- applications should be referred to the design review panel as soon as possible after lodgement. This will ensure that design modifications can be identified early, together with any additional information being requested by council
- the agenda for each meeting should be circulated to all panel members and meeting attendees at least one week prior to the meeting. A meeting agenda template is included in section 5E Templates
- the priority of agenda items for each meeting should be determined by each council ensuring the timing has regard for their statutory timeframes
- each item should be allocated an equitable time slot on the agenda adjusted for complexity where appropriate, to allow fair and reasonable consideration of the application and time for a brief presentation by the applicant or their representative, as well as questions of them by the panel
- each agenda item should be accompanied by a brief development assessment overview prepared by council's assessment staff, giving a summary of the development's compliance with the key SEPP 65 requirements and council development standards.

5D Meeting procedures

The following design review panel meeting procedures have been developed to ensure consistency in the process and to make expectations clear for all parties. A council may choose to include additional operating procedures to address local circumstances. If a council chooses to include additional operating procedures the panel chair should make recommendations to the council for their endorsement.

It is recommended that an inception meeting be held when new design review panels are established to confirm general operating and meeting procedures. The inception meeting should be hosted by the council so that members can be briefed on specific operational matters. Meeting procedures can also be discussed and confirmed.

Suggested topics to be covered in the inception meeting are outlined below. Where individual new members are appointed to a panel at a later time, it is recommended that they be briefed jointly by the panel coordinator and chair on this information.

Suggested inception meeting topics:

- introduce panel coordinator, members, relevant council staff and provide contact details
- provide background on local planning and design issues and copies of relevant policies including the LEP and DCP
- advise of annual meeting schedule, confirm member responsibilities and reporting timeframes
- advise of responsibilities for preparing the agenda, circulation of project information and minutes
- confirm contact details for remuneration matters, and frequency of invoicing
- advise of council's media protocols
- determine a protocol for the panel responding to any media enquiries (e.g. only through the chair, or only through council's media unit)
- appoint a chairperson (which may be revolving)
- confirm standard meeting procedures and any additional local procedures
- arrange to advise the Minister for Planning and council of the agreed procedures and publicise on council's website.

Meeting preparation and site inspection

Panel members should familiarise themselves with the agenda and documents prior to the meeting.

Panel members should visit each site on the agenda prior to the meeting. Joint inspections are arranged by the panel coordinator, and can be part of the overall agenda for the day. Specific arrangements for this can be determined by each panel.

Quorum and attendance

Each meeting is to maintain a quorum. A quorum consists of three appointed or alternate design review panel members. If less than three members are present there is no quorum and the meeting cannot proceed. Panel members should attend at least 75% of design review panel meetings. The Minister or council/s may replace panel members who are regularly unavailable for meetings during a 12 month period.



Meeting format

The chairperson should run the meeting in accordance with the agenda. A suggested format for individual items includes:

- site inspections
- panel pre-discussion and application overview by council planning staff including site history, background, surrounding proposed/approved developments, compliance with planning controls, internal referral comments (e.g. heritage, stormwater, traffic/parking) and submissions/objections. Relevant state government agency comments should also be provided. Depending on the issue, a representative of the referral agency may also be invited to attend the meeting
- proponent presentation – short presentation explaining the project within the local context, background and how it addresses key design quality principles of SEPP 65 and the Apartment Design Guide
- panel questions/clarifications of the proponent – as required
- panel discussion – debate and drafting of advice and recommendations
- confirm agreed advice and recommendations – the chair convenes a vote by panel members on the advice and recommendations.

Where an application has been considered previously a site inspection may not be necessary and the council planning staff briefing will update the design review panel about the compliance of the amended scheme.

Providing advice and voting on recommendations

Panel members should be aware of the following points when providing advice and finalising recommendations:

- advice should be in plain English that is readily understood by the consent authority, the development proponent and the community
- advice should be consistent between scheme iterations. If significant changes are recommended that depart from previously issued advice they must be supported by full written justification

- when preparing advice, the panel should be aware that *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* overrides SEPP 65 provisions on thermal performance, greenhouse emission reduction and water reduction
- either the design review panel or the council may require that additional expert assistance be sought in the assessment of a particular proposal or other matter
- panel members should vote on the recommendations for each proposal being considered. In the case of a tied vote, the chairperson has the casting vote.

Minutes and reporting

Panel members should be aware of the following points when minutes are being drafted:

- minutes should be recorded directly into the template and preferably wall-projected in the meeting room to enable recommendations to be finalised at the meeting. A meeting minutes template is provided in section 5E Templates
- the panel meeting minutes should include an accurate record of the key discussion points and panel recommendations
- the minutes are to be endorsed by the design review panel and returned to council within 14 days of the meeting. Ideally the minutes should be completed on the day of the meeting to streamline timeframes
- report recommendations should assist council's decision making, including suggested amendments, draft conditions of approval and if relevant, options for consideration.

SEPP 65 requires that the panel's advice be made publicly available and accessible. It should therefore be published on the council's website within seven days of receipt from the panel.

5E Templates

This section provides a number of standard templates to assist design review panels to operate in a consistent manner across NSW.

(a) Meeting Agenda Template

[LGA Name] Design Review Panel Meeting

Agenda

Meeting date:

Time and location:

Item No.	Subject
1	Attendance & apologies
2	Deferred applications
2.1	
2.2	
3.	New applications
3.1	
3.2	
4.	Other business / advice
5.	Next meeting – time / date
6.	Confirmation of minutes
7.	Meeting close
[Attendees council, panel, applicant, other]	

(b) Development Assessment Overview Template

This overview is to be prepared by the responsible council officer and distributed to the design review panel members with the meeting agenda at least one week before the meeting.

Development assessment overview		
Proposed development		
Street address		
Applicant/owner		
Report by		
The proposal	[Brief and succinct summary of proposal]	
Background	[A summary of relevant background information establishing history of the proposal to date including response to context and site; photos may also be useful]	
Assessment summary		
Council's key development standards		
	Proposed	Assessment
Floor space ratio		
Height		
Front setback		
Side setbacks		
Rear setback		
Other (e.g. building depths or envelopes)		
SEPP 65 key standards		
	Proposed	Assessment
3F Visual privacy		
3J Bicycle and car parking		
4A Solar and daylight access		
4F Common circulation and spaces		
4D Apartment size and layout		
4C Ceiling heights		
4E Private open space and balconies		
4B Natural ventilation		
4G Storage		
Key issues	[Summary / dot points]	

(c) Meeting Minutes Template

The Report of the design review panel is taken to also be the minutes of the review meeting. The report accurately records the discussion and recommendations reached at the review meeting. In endorsing the design review panel report, the design review panel has ensured the meeting discussion and the drafting of the report contain consistent conclusions and recommendations.

Meeting minutes and recommendations	
Time & date	
Meeting location	
Panel members	(Chair)
	(Member)
	(Member)
	(Member)
Apologies	
Council staff	
Guests	
Declarations of interest	
Business item and meeting minutes	
Item number	
DA number	
Property address	
Proposal	[Succinct summary of proposal]
Applicant or applicant's representative address to the design review panel	[Note if applicant addressed the design review panel. Include name and position]
Background	The site was inspected by the panel [DATE]
Key issues and recommendation	<p>[Summary of key issues discussed]</p> <p>A development application was previously before the panel at its meeting of [DATE]. At this time the panel made the following recommendation:</p> <p>[Insert recommendation]</p>

(d) Design Quality Test Template

The design review panel must establish if the proposal exhibits design quality or not, using the SEPP Design Quality Principles and the Apartment Design Guide. Suggested solutions should also be recorded in the amendments section for clarity.

Design Quality Test	
Nine design quality principles	Apartment Design Guide
	<i>This section must discuss all the relevant aspects of the Apartment Design Guide. Where design criteria is included, this must be discussed</i>
Principle 1 - Context and Neighbourhood Character	
[Record of discussion]	[Discussion of related section(s) of the Apartment Design Guide]
Principle 2 - Built Form and Scale	
Principle 3 - Density	
Principle 4 - Sustainability	
Principle 5 - Landscape	
Principle 6 - Amenity	
Principle 7 - Safety	
Principle 8 - Housing Diversity and Social Interaction	
Principle 9 - Aesthetics	
Amendments	[Identify any recommended amendments necessary to achieve design quality and the related design quality principle]
Recommendation	[Insert recommendation]

